Ottawa Police Services Board

Special Meeting

CONFIDENTIAL MINUTES 51

Saturday, 5 February 2022 4:30 p.m.

By Zoom

Present: B. Johnson, C. Meehan, R. King, D. Deans (Chair), D. Nirman, L.A. Smallwood (Vice Chair), R. Swaita

Others: P. Sloly, Chief of Police; S. Bell, Deputy Chief of Police; T. Ferguson, Acting Deputy Chief of Police; B. Dunker; CAO, K. Ferraro, Executive Director; David White, Legal Counsel; Hannah Logan, Board Assistant, Lindsey Gray, Ministry of the Solicitor General; C. Huneault, OPS Legal Counsel

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ITEMS OF BUSINESS

1. *CONTINUATION:* ONGOING DEMONSTRATIONS AND THE PROVISION OF ADEQUATE AND EFFECTIVE POLICING

This item's discussion began in a public session, however following the completion of the public agenda the Board and Service moved in camera to discuss the subject in greater detail.

Chief Sloly raised the need for more levels of government to become involved in the unprecedented demonstrations. He noted that the demonstrators are not of one single agenda, and they are a well-organized and funded group.

The Board requested guidance from the Service regarding what they could do to provide greater support. The Board reiterated the need for higher levels of government to step in.

The Chief began to elaborate on the suggestion of Military Aid to Civil Power, and his reluctance to implore that tactic. In addition to being a federal decision, all previous instances of having triggered Section 63 resulted in mass injury. The Chief advised the Board that Brenda Lucky had advised against an injunction, as it would not affect the operational threat and officers would still need to conduct their own threat-risk assessments prior to attempting to make any arrests. While the Mayor declaring a state of emergency would have a symbolic impact, the Chief did not feel that it would in any way impact the operational framework. He further indicated that the OPS continue to seek legal assistance. They had discussed closing boarders with three deputy ministers. All possible actions were on the table.

The Chief reassured the Board that there was a comprehensive plan, however he could not provide all the details of what the Service was doing operationally.

The Service noted that two days prior, they had brought in a mental health specialist who had worked with the RCMP, the OPP and had attended many protests. The specialist was assisting their liaison teams on the ground. He was acting as a crisis management negotiator. The difficulty the OPS was having with negotiations was the community scrutiny; the Service explained that were they to be seen as in any way helping demonstrators, they would face significant public backlash even if their actions were intended to lower the demonstrations

threat. The Service noted that the negotiations were essentially being hampered by community and social media influence.

A question was raised regarding Section 64 of the Criminal Code. Board and City Solicitor David White made a point that his office does not advise the Service, and regardless of legal advice received by the Chief, operational decisions are Chief Sloly's to make. Having the authority to do something does not mean that exercising the right would be advisable.

Chief Sloly weighed in on the 2011 Vancouver Stanley Cup riot situation during which Section 64 had been employed. Hundreds of young people were arrested, and the Chief noted that it was a good technique to address a flash mob situation, however it undoubtedly results in mass arrests and excessive force. The other aspect raised was that the individuals arrested in Vancouver had no intentions of returning back the following weekend and rioting again. The demonstration ongoing in Ottawa consisted of thousands of people convinced that the pandemic approach has been wrong. The Service's intelligence suggested that some participants, being arrested, injured or even being killed was viewed as achieving a level of martyrdom rather than a deterrent.

The Service was actively engaged in risk assessments to decide which of their plans could result in the most reward at any moment in time. Chief Sloly said that at any point any of their operations become realistic, they will be implemented. Chief Sloly noted that despite this, there could still be riots.

The Service had run a scenario where all demonstrators between the Sir John A Macdonald Parkway and Rideau Street would be arrested, and in order to do so they would require every single public order unit and all the tow trucks in the province. All scenarios that were being considered were high risk. The Chief noted their intelligence beginning to show some fractures between the groups demonstrating and suggested that the Service might be able to leverage that.

A question was raised regarding the baseball stadium situation. The Service indicated that they would be adding resources to that area, although in ranking priorities it was not at the top of the list. It was noted that if the number of downtown demonstrators diminishes throughout the upcoming week, the Service would be able to allocate additional resources to the baseball stadium.

The Service explained that while they have attempted to shrink the footprint in some areas, it had only resulted in the demonstration growing elsewhere.

Through intelligence and interactions, the Service was garnering a better sense of the individuals, including the power balances and those with influence. It was

due to their gained clarity that the Service had been able to develop two potential operational plans that could be implemented under the right circumstances.

Chief Sloly noted that the federal government had provided significant support and hoped that the province would do more.

The Chief further stated that it was in the Chair's purview as to whether she wished to reach out to the federal government or not, he suggested it would not be redundant, but he recommended coordination in their messaging.

That the Ottawa Police Services Board receive this item for discussion.

RECEIVED

MOTION TO MOVE OUT OF IN CAMERA SESSION

ADJOURNMENT

The meeting adjourned at 7:05 PM